

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 9-12 are pending in the present Application. Claim 9 has been amended to address cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claim 9 stands rejected under 35 U.S.C. § 101 allegedly being directed to a recording medium storing nonfunctional descriptive material.

Applicants appreciatively acknowledge the identification of allowable subject matter.

REJECTION UNDER 35 U.S.C. § 101

The Official Action has rejected Claim 9 under 35 U.S.C. § 101 as being unpatentable allegedly being directed to a recording medium storing nonfunctional descriptive material.

Applicants respectfully traverse the rejection.

Claim 9 has been amended to recite the interrelationship of the medium to a recording/reproducing apparatus in accordance with the configuration of the medium. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides:

**a claimed computer-readable medium encode with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structures functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this Section, Claim 9 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that:

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 should be withdrawn. However, if the rejection under 35 U.S.C. §101 is to be maintained, Applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP § 2106.

#### CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 9-12, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

If the Examiner believes that any additional formal matters need to be addressed in order to place this Application in condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Respectfully submitted,

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